IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 143 OF 2006

1. Amit Bikram Bist,
2. Smt.Aruna Bikram Bist. ...Applicants

V/s.

State of Maharashtra & Anr. ...Respondents

Mr.Y.K. Sharma with M.V. Kanade for Applicants.
Mr.R.Y. Mirza, APP for State.

CORAM : V.M. KANADE, J.

DATED : JANUARY 20, 2006

P.C. :-

. Heard learned Counsel for the Applicants and learned APP for the State.

. The applicants have an apprehension that they are likely to be arrested for an offence which is registered by the Vashi Police Station, District New Bombay, under Section 498A read with Section 34 of the IPC.

2. It is the case of the complainant as per the FIR which is registered at the Vashi Police Station that the applicant and his parents and particularly the mother of the applicant no.1 used to harass her and forced her to

abort the child after the sixth week of pregnancy. It is alleged that the complainant belong to lower caste and therefore, she was assaulted by her mother-in-law and other members of the family.

3. Learned Counsel for the applicants has invited my attention to the Medical Certificate which is issued by the Doctor who has stated that the complainant had undergone force of antibiotics on account of fever and as a result, the abortion had taken place.

4. Learned APP has also shown me the copy of the FIR. In the FIR after narrating the facts as alleged by her inlaws, she has stated that she tried to pursuade the applicant no.1 to stay together, however, after he refused to take her back, the complaint is filed.

5. In my view, this is case where there are some grievances between the husband and wife and possibly if the matter is referred to the competent authority, the possibility of reconciliation cannot be ruled out. In this view of the matter, in my view, this is a fit case

for grant of anticipatory bail.

6. In the event of applicants' arrest in connection with an offence punishable under Section 498A which is registered with the Vashi Police Station at Vashi in connection with C.R.No.I-355/2005, the applicants will be released on bail in the sum of Rs.5,000/- each with one or two sureties in the like amount.

. The application is allowed in the above terms.

. **(V.M. KANADE, J.)**